

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL MOI, an individual,
Plaintiff,

v.

CHIHULY STUDIO, INC., a Washington
corporation; DALE CHIHULY,
individually and as a married person;
LESLIE CHIHULY, individually and as a
married person,
Defendants.

No. 2:17-cv-00853

DECLARATION OF HARRY H.
SCHNEIDER, JR. IN SUPPORT OF
DEFENDANTS' REPLY IN SUPPORT OF
MOTION TO SEAL

CHIHULY, INC., a Washington
corporation; DALE CHIHULY, an
individual,
Counterclaim-
Plaintiffs

v.

MICHAEL MOI, an individual,
Counterclaim-
Defendant

Harry H. Schneider, Jr. states:

1. I am a partner in the law firm Perkins Coie LLP and lead counsel for defendants Chihuly, Inc., Dale Chihuly and Leslie Chihuly in this action. I make this declaration based on personal knowledge about which I am competent to testify.

SCHNEIDER DECLARATION ISO REPLY ISO
MOTION TO SEAL (No. 2:17-cv-00853) – 1

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1 2. Attached as **Exhibit A** is a true and correct copy of an email that I sent to
2 Plaintiff's counsel at 9:52 am on June 2, 2017.

3 3. I also sent Plaintiff's counsel copies of the motion to seal and the supporting
4 documents via email at 9:57 am on June 2, 2017.

5 4. I subsequently had a conversation over the phone with Plaintiff's counsel (Anne
6 Bremner, Evan Bariault and Lia Fulgaro) on June 8, 2017, about a number of issues, including
7 this motion to seal. My colleague Susan Foster also attended for Defendants. Plaintiff's counsel
8 did not take a position at that time regarding the need or propriety of sealing the information that
9 Defendants propose to redact, nor whether there were alternative redactions that would be more
10 appropriate.

11 5. On June 9, my colleague Susan Foster sent Plaintiff's counsel a letter, copying
12 me, that reiterated the need for a decision regarding the pending motions to seal. Plaintiff's
13 counsel again responded without addressing the appropriateness of the proposed redactions or
14 the existence of good cause, and instead stated her belief that the issue to seal was moot.

15 6. Counsel for the third parties whose information is at issue have confirmed to
16 Defendants' counsel that they believe the proposed redactions are warranted.

17 7. As of the date of this declaration, Plaintiff's counsel has not responded (other than
18 to file her response, Dkt. No. 14).

19
20 **I declare under penalty of perjury under the laws of the United**
21 **States that the foregoing is true and correct.**

22 EXECUTED this 16th day of June, 2017.

23 *s/Harry H. Schneider, Jr.*

24 _____
Harry H. Schneider, Jr.

1 **CERTIFICATE OF SERVICE**

2 I certify that on June 16, 2017, I served the foregoing DECLARATION OF HARRY H.
3 SCHNEIDER, JR. IN SUPPORT OF REPLY ISO MOTION TO SEAL on the following
4 attorney(s) of record of record by the method(s) indicated:

5 Anne Bremner
6 Frey Buck, P.S.
7 1200 Fifth Avenue
8 Suite 1900
9 Seattle, WA 98101
10 abremner@freybuck.com
11 206-486-8000

____ Via U.S. Mail, 1st Class, Postage Prepaid
____ Via Hand Delivery
____ Via Overnight Delivery
____ Via Facsimile
12 X Via ECF

9 I certify under penalty of perjury that the foregoing is true and correct.

10 DATED this 16th day of June, 2017.

11
12 s/ Harry H. Schneider, Jr., WSBA No. 9404
13 HSchneider@perkinscoie.com
14 Perkins Coie LLP
15 1201 Third Avenue, Suite 4900
16 Seattle, WA 98101-3099

EXHIBIT A

From: Schneider, Harry (SEA)
Sent: Friday, June 02, 2017 9:52 AM
To: Anne Bremner
Subject: Moi / Chihuly

Anne:

Further to my correspondence sent earlier this morning, because Mr. Moi's state court Complaint needed to be filed in order to timely remove the action to federal court, out of an abundance of caution we also filed a motion to seal (with a proposed redacted Complaint) in the King County Superior Court case. This was done in order to give you an opportunity to consider whether all but the first two sentences of paragraph 3.26 of the Complaint should be redacted in the event that your other clients, Damien Villarreal and the O'Neills, wished to prevent that information from being part of the public filing.

To be sure, Chihuly does not believe that any portion of the Moi Complaint must be filed under seal, but we wanted to give you the opportunity to advise if you feel otherwise.

Because the case has now been removed to the United State District Court for the Western District of Washington, we must confer about the proposed minor redactions to Mr. Moi's Complaint. Please let me know when you are available later today to discuss this issue.

Or, alternatively, if you agree with us that the seven sentences can be redacted by stipulation in order to protect the interests of non-parties, we can circulate a proposed Stipulation and Agreed Order. I will send you courtesy copies of the various sealing documents filed in connection with our removal of the case to federal court.

Harry